FORM 1-1

UNITED STATES COURT OF INTERNATIONAL TRADE

FORM 1

Active Apparel, Inc., **Plaintiff,** **v.** **United States** **Defendant.**	**SUMMONS 09-00470** **In Actions Under** **28 U.S.C § 1581(a)** **TO:** The Attorney General and the Secretary of the Treasury.

PLEASE TAKE NOTICE that a civil action has been commenced pursuant to 28 U.S.C. § 1581(a) to contest denial of the protest specified below (and the protests listed in the attached schedule).

L.S.

_____
Clerk of the Court

PROTEST

Port of Entry	Los Angeles, CA	Date Protest Filed:	23-Jul-07
Protest Number:	2704-07-101767	Date Protest Denied:	17-Jun-09
Importer: Active Apparel, Inc.,			
Merchandise:	Imported merchandise with holiday symbols, designs or themes		

ENTRIES INVOLVED IN ABOVE PROTEST

Protest Number	Date Protest Filed	Date Protest Denied	Entry Number	Date of Entry	Date of liquidation
2704-07-101767	7-23-07	6/17/2009	BLJ-0713757-4	6/22/2002	5/4/2007

U.S. Customs & Border Protrection
Border Protection
301 E. Ocean Blvd.
Suite 1400
Long Beach, CA 90802
(562) 366-5555

Barnes, Richardson & Colburn
Attorneys for Plaintiff
New York, New York 10016
Tel: 212-725-0200

CONTESTED ADMINISTRATIVE DECISION

Appraised Value of Merchandise		
Appraised:		
Protest Claim:		

Classification, Rate or Amount				
	Assessed		Protest Claim	
Merchandise	Paragraph or Item Number	Rate	Paragraph or Item Number	Rate
Imported merchandise with holiday symbols, designs or themes	HTSUS Subheading 6205.20.20.66	19.7% ad valorem	HTSUS Subheadings 9505.90.6000	Free

Other

State Specifically the Decision [as Described in 19 U.S.C. § 1514(a)] and the Protest Claim:

The issue which was common to all such denied protests:
Whether the imported merchandise is propery classifiable under HTSUS subheading: 9505.90.6000 with duty at the rate of free.

Every denied protest included in this civil action was filed by the same above-named importer, or by an authorized person in the importer's behalf. The category of merchandise specified above was involved in each entry of merchandise included in every such denied protest. The issue or issued stated above were common to all such denied protests. All such protests were filed and denied as prescribed by law. All liquidated duties, charges or exactions have been paid, and were paid at the port of entry unless otherwise shown.

/s/ Alan Goggins

4-Nov-09